

JS 44 - No. CALIF (Rev. 4/97)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

I.(a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

Kenneth L. Chapman aka Kenneth Chapman

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Alameda
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)LAW OFFICE OF MICHAEL COSENTINO
P.O. BOX 129, ALAMEDA, CA 94501
510-523-4702

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For diversity cases only)
- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☒ 152 Recovery of Defaulted Student Loans (Excl Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders Suits ☐ 180 Other Contract ☐ 195 Contract Product Liability	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault Libel & Slander ☐ 330 Federal Employers Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury	PERSONAL INJURY ☐ 362 Personal Injury Med Malpractice ☐ 365 Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth In Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 RR & Truck ☐ 650 Airline Regs ☐ 660 Occupational Safety/Health ☐ 680 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 620 Copyrights ☐ 630 Patent ☐ 640 Trademark	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce/CC Rates/etc. ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 610 Selective Service ☐ 650 Securities/Commodities/Exchange ☐ 675 Customer Challenge 12 USC 3410 ☐ 681 Agricultural Acts ☐ 682 Economic Stabilization Act ☐ 683 Environmental Matters ☐ 684 Energy Allocation Act ☐ 685 Freedom of Information Act ☐ 690 Appeal of Fee Determination Under Equal Access to Justice ☐ 695 Constitutionality of State Statutes ☐ 699 Other Statutory Actions
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 250 All Other Real Property	CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing ☐ 444 Welfare ☐ 449 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motion to Vacate Sentence Habeas Corpus: ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt Relations ☐ 730 Labor/Mgmt Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 750 Other Labor Litigation ☐ 761 Empl./Ret. Inc. Security Act	SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	FEDERAL TAX SUITS ☐ 670 Taxes (US Plaintiff or Defendant) ☐ 671 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION

DEMAND \$

☐ CHECK YES only if demanded in complaint:

COMPLAINT:

UNDER F.R.C.P. 23

\$1,255.75

JURY DEMAND: ☐ YES ☒ NO**VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CML L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".****IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE A "X" IN ONE BOX ONLY)** ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE December 28, 2012 SIGNATURE OF ATTORNEY OF RECORD



1 MICHAEL COSENTINO, ESQ., State Bar No. 83253
2 Attorney at Law
3 P.O. Box 129
4 Alameda, CA 94501
5 Telephone: (510) 523-4702
6 Fax: (510)747-1640

7
8 Attorney for Plaintiff
9 United States of America

FILED
2013 JAN -3 A 9:39
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,
14 Plaintiff,

15 v.

16 Kenneth L. Chapman aka Kenneth Chapman,
17 Defendant(s).

SLM
C 13 0023
Case No.
COMPLAINT
(Student Loan\Debt Collection Case)

18 Plaintiff, through its attorney, alleges:

19 1. Jurisdiction: The Court has jurisdiction of this action under 28 U.S.C. Section
20 1345.

21 2. Defendant resides in the Northern District of California.

22 3. Defendant owes plaintiff \$1,255.75, plus additional interest according to the
23 Certificate of Indebtedness, a copy of which is annexed hereto as Exhibit A.

24 WHEREFORE, plaintiff demands judgment against defendant for the sum of
25 \$1,255.75, additional interest to the date of judgment, attorney's fees in the amount of
26 33.33% of the debt, and court costs.

27 Date: December 28, 2012

28
LAW OFFICE OF MICHAEL COSENTINO
By: MICHAEL COSENTINO
Attorney for the Plaintiff
United States of America

**U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA**

CERTIFICATE OF INDEBTEDNESS

Kenneth L. Chapman
510 21st St. Apt. 701
Oakland, CA 94612
SSN: 0866

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 04/05/99.

On or about 11/15/86, the borrower executed promissory note(s) to secure loan(s) of \$1250.00 from Bank IV Pittsburgh, N.A. at 8 percent interest per annum. This loan obligation was guaranteed by Higher Education Assistance Foundation and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 CFR. Part 682). The holder demanded payment according to the terms of the note(s), and credited \$17.19 to the outstanding principal owed on the loan(s). The borrower defaulted on the obligation on 03/25/88, and the holder filed a claim on the guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$1282.22 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. The guarantor attempted to collect the debt from the borrower. The guarantor was unable to collect the full amount due, and on 05/11/93, assigned its right and title to the loan(s) to the Department.

Since assignment of the loan, the Department has received a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any. After application of these payments, the borrower now owes the United States the following:

Principal:	\$ 1255.75
Interest:	\$ 800.88
Administrative/Collection Costs:	\$ 6.44
Late fees:	\$0.00

Total debt as of 04/05/99:	\$ 2063.07
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Interest accrues on the principal shown here at the rate of .28 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 4/19/99

Name: Joan Dyer
Title: Loan Analyst
Branch: Litigation Branch